

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

WESLEY WON, et al.,

individually and on behalf of others
similarly situated,

Plaintiffs,

v.

GENERAL MOTORS, LLC,

Defendant.

2:19-cv-11044-DML-DRG

Judge David M. Lawson
Magistrate Judge David R. Grand

**GENERAL MOTORS' ANSWER TO ADDENDUM TO
CONSOLIDATED AMENDED CLASS ACTION COMPLAINT**

General Motors LLC provides its answer, including affirmative defenses, to the Addendum to the Consolidated Amended Class Action Complaint, with the general limitation that all allegations not expressly admitted are denied.

GENERAL ALLEGATIONS

1. GM incorporates its responses to the Consolidated Amended Class Action Complaint ("CAC"), ECF No. 54.
2. GM incorporates its responses to the CAC, ECF No. 54.
3. No response is required to Paragraph 3.

PARTIES

4. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 4 regarding Mr. and Ms. Carroll or their vehicle purchase, and therefore denies the allegations.

5. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 5 regarding Mr. Eatherton or his vehicle purchase, and therefore denies the allegations.

6. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 6 regarding Mr. Edmondson or his vehicle lease, and therefore denies the allegations.

7. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 7 regarding Mr. Filiaggi or his vehicle purchase, and therefore denies the allegations.

8. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 8 regarding Mr. Fox or his vehicle purchase, and therefore denies the allegations.

9. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 9 regarding Mr. Higgins or his vehicle purchase, and therefore denies the allegations.

10. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 10 regarding Mr. Huyett or his vehicle purchase, and therefore denies the allegations.

11. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 11 regarding Mr. Thompson or his vehicle purchase, and therefore denies the allegations.

FACTUAL ALLEGATIONS

C. Plaintiffs' Experiences

1. Jerry and Kimberly Carroll

12. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 12 regarding Mr. and Ms. Carroll, or their vehicle purchase, and therefore denies the allegations.

13. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 13 regarding Mr. and Ms. Carroll, their knowledge or intentions, or their vehicle purchase or ownership, and therefore denies the allegations.

14. The allegations in Paragraph 14 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 14 regarding Mr. and Ms. Carroll, their actions, or their vehicle ownership, and therefore denies the allegations.

15. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 15 regarding Mr. and Ms. Carroll, their actions, or their vehicle purchase, and therefore denies the allegations.

16. The allegations in Paragraph 16 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 16 regarding Mr. and Ms. Carroll, their knowledge or intentions, or their vehicle purchase, and therefore denies the allegations.

17. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 17 regarding Mr. and Ms. Carroll or their vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 17, and specifically denies that the 8L90 and 8L45 transmissions are defective, or pose any safety risk.

18. The allegations in Paragraph 18 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 18 regarding Mr. and Ms. Carroll, their actions, or their vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 18, and specifically denies that the 8L90 and 8L45 transmissions are defective.

19. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 19 regarding Mr. and Ms. Carroll or their vehicle

experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 19, and specifically denies that the 8L90 and 8L45 transmissions are defective.

20. The allegations in Paragraph 20 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 20 regarding Mr. and Ms. Carroll, their knowledge or intentions, or their actions, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 20, and specifically denies that the 8L90 and 8L45 transmissions are defective. GM states that it fulfilled all its legal and contractual obligations to consumers, including any duty to disclose.

2. *Dominic Eatherton*

21. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 21 regarding Mr. Eatherton or his purchase, and therefore denies the allegations.

22. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 22 regarding Mr. Eatherton, his knowledge or intentions, or his vehicle purchase or ownership, and therefore denies the allegations.

23. The allegations in Paragraph 23 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the

allegations in Paragraph 23 regarding Mr. Eatherton, his actions, or his vehicle ownership, and therefore denies the allegations.

24. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 24 regarding Mr. Eatherton, his actions, or his vehicle purchase, and therefore denies the allegations.

25. The allegations in Paragraph 25 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 25 regarding Mr. Eatherton, his knowledge or intentions, or his vehicle purchase, and therefore denies the allegations.

26. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 26 regarding Mr. Eatherton or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 26, and specifically denies that the 8L90 and 8L45 transmissions are defective, or pose any safety risk.

27. The allegations in Paragraph 27 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 27 regarding Mr. Eatherton, his actions, or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 27, and specifically denies that the 8L90 and 8L45 transmissions are defective.

28. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 28 regarding Mr. Eatherton or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 28, and specifically denies that the 8L90 and 8L45 transmissions are defective.

29. The allegations in Paragraph 29 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 29 regarding Mr. Eatherton, his knowledge or intentions, or his actions, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 29, and specifically denies that the 8L90 and 8L45 transmissions are defective. GM states that it fulfilled all its legal and contractual obligations to consumers, including any duty to disclose.

3. Thomas Edmondson

30. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 30 regarding Mr. Edmondson or his lease, and therefore denies the allegations.

31. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 31 regarding Mr. Edmondson, his knowledge or intentions, or his vehicle lease, and therefore denies the allegations.

32. The allegations in Paragraph 32 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the

allegations in Paragraph 32 regarding Mr. Edmondson, his actions, or his vehicle lease, and therefore denies the allegations.

33. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 33 regarding Mr. Edmondson, his actions, or his vehicle lease, and therefore denies the allegations.

34. The allegations in Paragraph 34 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 34 regarding Mr. Edmondson, his knowledge or intentions, or his vehicle lease, and therefore denies the allegations.

35. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 35 regarding Mr. Edmondson or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 35, and specifically denies that the 8L90 and 8L45 transmissions are defective, or pose any safety risk.

36. The allegations in Paragraph 36 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 36 regarding Mr. Edmondson, his actions, or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 36, and specifically denies that the 8L90 and 8L45 transmissions are defective.

37. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 37 regarding Mr. Edmondson or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 37, and specifically denies that the 8L90 and 8L45 transmissions are defective.

38. The allegations in Paragraph 38 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 38 regarding Mr. Edmondson, his knowledge or intentions, or his actions, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 38, and specifically denies that the 8L90 and 8L45 transmissions are defective. GM states that it fulfilled all its legal and contractual obligations to consumers, including any duty to disclose.

4. *Richard Filiaggi*

39. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 39 regarding Mr. Filiaggi or his vehicle purchase, and therefore denies the allegations.

40. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 40 regarding Mr. Filiaggi, his knowledge or intentions, or his vehicle purchase or ownership, and therefore denies the allegations.

41. The allegations in Paragraph 41 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the

allegations in Paragraph 41 regarding Mr. Filiaggi, his actions, or his vehicle ownership, and therefore denies the allegations.

42. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 42 regarding Mr. Filiaggi, his actions, or his vehicle purchase, and therefore denies the allegations.

43. The allegations in Paragraph 43 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 43 regarding Mr. Filiaggi, his knowledge or intentions, or his vehicle purchase, and therefore denies the allegations.

44. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 44 regarding Mr. Filiaggi or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 44, and specifically denies that the 8L90 and 8L45 transmissions are defective, or pose any safety risk.

45. The allegations in Paragraph 45 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 45 regarding Mr. Filiaggi, his actions, or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 45, and specifically denies that the 8L90 and 8L45 transmissions are defective.

46. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 46 regarding Mr. Filiaggi or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 46, and specifically denies that the 8L90 and 8L45 transmissions are defective.

47. The allegations in Paragraph 47 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 47 regarding Mr. Filiaggi, his knowledge or intentions, or his actions, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 47, and specifically denies that the 8L90 and 8L45 transmissions are defective. GM states that it fulfilled all its legal and contractual obligations to consumers, including any duty to disclose.

5. *Scott Fox*

48. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 48 regarding Mr. Fox or his vehicle purchase, and therefore denies the allegations.

49. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 49 regarding Mr. Fox, his knowledge or intentions, or his vehicle purchase or ownership, and therefore denies the allegations.

50. The allegations in Paragraph 50 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the

allegations in Paragraph 50 regarding Mr. Fox, his actions, or his vehicle ownership, and therefore denies the allegations

51. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 51 regarding Mr. Fox, his actions, or his vehicle purchase, and therefore denies the allegations.

52. The allegations in Paragraph 52 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 52 regarding Mr. Fox, his knowledge or intentions, or his vehicle purchase, and therefore denies the allegations.

53. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 53 regarding Mr. Fox or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 53, and specifically denies that the 8L90 and 8L45 transmissions are defective, or pose any safety risk.

54. The allegations in Paragraph 54 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 54 regarding Mr. Fox, his actions, or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 54, and specifically denies that the 8L90 and 8L45 transmissions are defective.

55. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 55 regarding Mr. Fox or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 55, and specifically denies that the 8L90 and 8L45 transmissions are defective.

56. The allegations in Paragraph 56 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 56 regarding Mr. Fox, his knowledge or intentions, or his actions, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 56, and specifically denies that the 8L90 and 8L45 transmissions are defective. GM states that it fulfilled all its legal and contractual obligations to consumers, including any duty to disclose.

6. *Robert Higgins*

57. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 57 regarding Mr. Higgins or his vehicle purchase, and therefore denies the allegations.

58. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 58 regarding Mr. Higgins, his knowledge or intentions, or his vehicle purchase or ownership, and therefore denies the allegations.

59. The allegations in Paragraph 59 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the

allegations in Paragraph 59 regarding Mr. Higgins, his actions, or his vehicle ownership, and therefore denies the allegations.

60. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 60 regarding Mr. Higgins, his actions, or his vehicle purchase, and therefore denies the allegations.

61. The allegations in Paragraph 61 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 61 regarding Mr. Higgins, his knowledge or intentions, or his vehicle purchase, and therefore denies the allegations.

62. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 62 regarding Mr. Higgins or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 62, and specifically denies that the 8L90 and 8L45 transmissions are defective, or pose any safety risk.

63. The allegations in Paragraph 63 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 63 regarding Mr. Higgins, his actions, or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 63, and specifically denies that the 8L90 and 8L45 transmissions are defective.

64. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 64 regarding Mr. Higgins or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 64, and specifically denies that the 8L90 and 8L45 transmissions are defective.

65. The allegations in Paragraph 65 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 65 regarding Mr. Higgins, his knowledge or intentions, or his actions, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 65, and specifically denies that the 8L90 and 8L45 transmissions are defective. GM states that it fulfilled all its legal and contractual obligations to consumers, including any duty to disclose.

7. *Craig E. Huyett*

66. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 66 regarding Mr. Huyett or his vehicle purchase, and therefore denies the allegations.

67. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 67 regarding Mr. Huyett, his knowledge or intentions, or his vehicle purchase or ownership, and therefore denies the allegations.

68. The allegations in Paragraph 68 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the

allegations in Paragraph 68 regarding Mr. Huyett, his actions, or his vehicle ownership, and therefore denies the allegations.

69. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 69 regarding Mr. Huyett, his actions, or his vehicle purchase, and therefore denies the allegations.

70. The allegations in Paragraph 70 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 70 regarding Mr. Huyett, his knowledge or intentions, or his vehicle purchase, and therefore denies the allegations.

71. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 71 regarding Mr. Huyett or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 71, and specifically denies that the 8L90 and 8L45 transmissions are defective, or pose any safety risk.

72. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 72 regarding Mr. Huyett, his actions or intentions, or his vehicle experience, and therefore denies the allegations.

73. The allegations in Paragraph 73 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 73 regarding Mr. Huyett, his knowledge or intentions, or

his actions, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 73, and specifically denies that the 8L90 and 8L45 transmissions are defective. GM states that it fulfilled all its legal and contractual obligations to consumers, including any duty to disclose.

8. *David Thompson*

74. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 74 regarding Mr. Thompson or his vehicle purchase, and therefore denies the allegations.

75. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 75 regarding Mr. Thompson, his knowledge or intentions, or his vehicle purchase or ownership, and therefore denies the allegations.

76. The allegations in Paragraph 76 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 76 regarding Mr. Thompson, his actions, or his vehicle ownership, and therefore denies the allegations.

77. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 77 regarding Mr. Thompson, his actions, or his vehicle purchase, and therefore denies the allegations.

78. The allegations in Paragraph 78 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the

allegations in Paragraph 78 regarding Mr. Thompson, his knowledge or intentions, or his vehicle purchase, and therefore denies the allegations.

79. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 79 regarding Mr. Thompson or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 79, and specifically denies that the 8L90 and 8L45 transmissions are defective, or pose any safety risk.

80. The allegations in Paragraph 80 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 80 regarding Mr. Thompson, his actions, or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 80, and specifically denies that the 8L90 and 8L45 transmissions are defective.

81. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 81 regarding Mr. Thompson or his vehicle experience, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 81, and specifically denies that the 8L90 and 8L45 transmissions are defective.

82. The allegations in Paragraph 82 state legal conclusions to which no response is required. GM lacks sufficient information to form a belief as to the truth of the allegations in Paragraph 82 regarding Mr. Thompson, his knowledge or intentions,

or his actions, and therefore denies the allegations. GM denies the remaining allegations in Paragraph 82, and specifically denies that the 8L90 and 8L45 transmissions are defective. GM states that it fulfilled all its legal and contractual obligations to consumers, including any duty to disclose.

CAUSES OF ACTION

83. GM incorporates by reference its responses to paragraphs 1-950 of the CAC.

84. GM incorporates by reference its responses to Counts 1, 2, and 3 of the CAC.

85. GM incorporates by reference its responses to Counts 23, 24, and 25 of the CAC.

86. GM incorporates by reference its responses to Counts 38 and 39 of the CAC.

87. GM incorporates by reference its responses to Counts 49, 50, and 51 of the CAC.

88. GM incorporates by reference its responses to Counts 90, 91, and 92 of the CAC.¹

89. GM incorporates by reference its responses to Counts 93, 94, and 95 of the CAC.

90. GM incorporates by reference its responses to Counts 99 and 100 of the CAC.

91. GM incorporates by reference its responses to Counts 102 and 103 of the

¹ GM has simultaneously moved to dismiss Court 92, because the South Dakota Plaintiff never provided notice to GM as required to bring a claim for breach of the implied warranty of merchantability in South Dakota.

CAC.

RESPONSE TO REQUEST FOR RELIEF

GM denies the allegations in paragraphs A-N on pages 557 and 558 of the CAC, including that plaintiffs are entitled to any form of relief against GM.

AFFIRMATIVE DEFENSES

GM incorporates by reference its affirmative defenses pled in the CAC.

REQUEST FOR JUDGMENT

GM incorporates by reference its request for judgment in the CAC.

January 26, 2021

Respectfully submitted,

/s/ Kathleen Taylor Sooy

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Counsel for General Motors LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that, on January 26, 2021, the foregoing was e electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record.

/s/ Kathleen Taylor Sooy
Kathleen Taylor Sooy

Counsel for General Motors LLC